
By: **Senators Mooney, Harris, Jacobs, Munson, Stoltzfus, and Stone**
Introduced and read first time: January 23, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 18, 2004

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Domestic Violence - Address Confidentiality Program**

3 FOR the purpose of requiring the Office of the ~~Attorney General~~ Secretary of State to
4 establish the Address Confidentiality Program for victims of domestic violence;
5 stating the purpose of the Program; establishing eligibility requirements;
6 establishing application and certification procedures; prohibiting false
7 statements in an application; establishing certification cancellation procedures;
8 authorizing a Program participant to request that certain agencies use a
9 substitute address designated under the Program as the Program participant's
10 address; establishing a method for certain agencies to apply for a waiver from
11 the requirements of the Program; requiring that a certain address be used for
12 voter registration and election-related purposes; prohibiting certain disclosures
13 of a Program participant's address; providing a penalty for certain unauthorized
14 disclosures of a Program participant's address; authorizing the ~~Attorney~~
15 ~~General~~ Secretary of State to designate certain agencies and organizations to
16 assist applicants applying to the Program; requiring the ~~Attorney General~~
17 Secretary of State to adopt regulations to carry out this Act; defining certain
18 terms; and generally relating to the Address Confidentiality Program.

19 BY repealing and reenacting, with amendments,
20 Article - Election Law
21 Section 3-506
22 Annotated Code of Maryland
23 (2003 Volume and 2003 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Family Law

1 Section 4-513
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2003 Supplement)

4 BY adding to
5 Article - Family Law
6 Section 4-517 through 4-529, inclusive, to be under the new part "Part IV.
7 Address Confidentiality Program"
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2003 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Election Law**

13 3-506.

14 (a) For the purpose of public inspection, original voter registration records:

15 (1) SUBJECT TO § 4-525(B) OF THE FAMILY LAW ARTICLE AND except
16 upon the special order of the local board, shall be available at all times when a local
17 board is open; and

18 (2) may not be removed from the office of the local board except:

19 (i) on order of a court; or

20 (ii) for temporary removal solely for purposes of data processing.

21 (b) The State Board shall adopt regulations relating to reasonable access by
22 the public to original voter registration application forms.

23 **Article - Family Law**

24 4-513.

25 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"
26 means an individual who has received deliberate, severe, and demonstrable physical
27 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury
28 from a current or former spouse, or a current or former cohabitant, as defined in §
29 4-501 of this subtitle.

1 PART IV. ADDRESS CONFIDENTIALITY PROGRAM.

2 4-517.

3 THE PURPOSE OF THIS PART IS TO ENABLE:

4 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR
5 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF DOMESTIC
6 VIOLENCE;

7 (2) INTERAGENCY COOPERATION IN PROVIDING ADDRESS
8 CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE; AND

9 (3) STATE AND LOCAL AGENCIES TO ACCEPT A PROGRAM PARTICIPANT'S
10 USE OF AN ADDRESS DESIGNATED BY THE OFFICE OF THE ~~ATTORNEY-GENERAL~~
11 SECRETARY OF STATE AS A SUBSTITUTE ADDRESS.

12 4-518.

13 (A) IN THIS PART IV OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
14 MEANINGS INDICATED.

15 (B) "ACTUAL ADDRESS" MEANS A RESIDENTIAL STREET ADDRESS, SCHOOL
16 ADDRESS, OR WORK ADDRESS OF AN INDIVIDUAL, AS SPECIFIED ON THE
17 INDIVIDUAL'S APPLICATION TO BE A PROGRAM PARTICIPANT UNDER THIS PART.

18 (C) "DISABLED PERSON" HAS THE MEANING STATED IN § 13-101 OF THE
19 ESTATES AND TRUSTS ARTICLE.

20 (D) "PROGRAM" MEANS THE ADDRESS CONFIDENTIALITY PROGRAM.

21 (E) "PROGRAM PARTICIPANT" MEANS A PERSON CERTIFIED AS A PROGRAM
22 PARTICIPANT UNDER THIS PART.

23 4-519.

24 THE OFFICE OF THE ~~ATTORNEY-GENERAL~~ SECRETARY OF STATE SHALL
25 ESTABLISH AND ADMINISTER AN ADDRESS CONFIDENTIALITY PROGRAM FOR
26 VICTIMS OF DOMESTIC VIOLENCE.

27 4-520.

28 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN
29 THE PROGRAM:

30 (1) AN INDIVIDUAL ACTING ON THE INDIVIDUAL'S OWN BEHALF;

31 (2) A PARENT OR GUARDIAN ACTING ON BEHALF OF A MINOR WHO
32 RESIDES WITH THE PARENT OR GUARDIAN; OR

33 (3) A GUARDIAN ACTING ON BEHALF OF A DISABLED PERSON.

1 (B) AN APPLICATION TO PARTICIPATE IN THE PROGRAM SHALL BE IN THE
2 FORM REQUIRED BY THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE AND SHALL
3 CONTAIN:

4 (1) A STATEMENT THAT:

5 (I) THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE; AND

6 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE
7 SAFETY OF THE APPLICANT'S CHILD;

8 (2) EVIDENCE THAT THE APPLICANT IS A VICTIM OF DOMESTIC
9 VIOLENCE, INCLUDING:

10 (I) LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE
11 AGENCY RECORDS OR FILES;

12 (II) DOCUMENTATION FROM A DOMESTIC VIOLENCE PROGRAM; OR

13 (III) DOCUMENTATION FROM A RELIGIOUS, MEDICAL, OR OTHER
14 PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE OR
15 TREATMENT AS A VICTIM OF DOMESTIC VIOLENCE;

16 (3) A STATEMENT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL
17 ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY OR THE SAFETY OF THE
18 APPLICANT'S CHILD;

19 (4) A DESIGNATION OF THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE
20 AS AGENT FOR PURPOSES OF SERVICE OF PROCESS AND RECEIPT OF FIRST-CLASS,
21 CERTIFIED, OR REGISTERED MAIL;

22 (5) THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE
23 APPLICANT MAY BE CONTACTED BY THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE;

24 (6) THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT BE
25 DISCLOSED BY THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE BECAUSE IT WOULD
26 INCREASE THE RISK OF DOMESTIC VIOLENCE;

27 (7) A STATEMENT AS TO WHETHER THERE IS ANY EXISTING COURT
28 ORDER OR PENDING COURT ACTION INVOLVING THE APPLICANT AND RELATED TO
29 DIVORCE PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION,
30 AND THE COURT THAT ISSUED THE ORDER OR HAS JURISDICTION OVER THE ACTION;

31 (8) A SWORN STATEMENT BY THE APPLICANT THAT TO THE BEST OF
32 THE APPLICANT'S KNOWLEDGE ALL OF THE INFORMATION CONTAINED IN THE
33 APPLICATION IS TRUE;

34 (9) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE
35 APPLICANT SIGNED THE APPLICATION; AND

1 (10) THE SIGNATURE OF ANY INDIVIDUAL OR REPRESENTATIVE OF AN
2 OFFICE DESIGNATED IN WRITING UNDER § 4-528 OF THIS PART WHO ASSISTED THE
3 APPLICANT IN PREPARING THE APPLICATION.

4 (C) (1) ON THE FILING OF A PROPERLY COMPLETED APPLICATION, THE
5 ~~ATTORNEY GENERAL~~ SECRETARY OF STATE SHALL CERTIFY THE APPLICANT AS A
6 PROGRAM PARTICIPANT. APPLICANTS SHALL BE CERTIFIED FOR 4 YEARS FROM THE
7 DATE OF FILING UNLESS THE CERTIFICATION IS CANCELED OR WITHDRAWN PRIOR
8 TO THE END OF THE 4-YEAR PERIOD.

9 (2) A PROGRAM PARTICIPANT MAY WITHDRAW A CERTIFICATION BY
10 FILING A SIGNED, NOTARIZED REQUEST FOR WITHDRAWAL WITH THE ~~ATTORNEY~~
11 ~~GENERAL~~ SECRETARY OF STATE.

12 4-521.

13 (A) ANY APPLICANT WHO FALSELY ATTESTS IN AN APPLICATION THAT
14 DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE
15 APPLICANT'S SAFETY OR THE SAFETY OF THE APPLICANT'S CHILD OR WHO
16 KNOWINGLY PROVIDES FALSE INFORMATION WHEN APPLYING FOR CERTIFICATION
17 OR RENEWAL SHALL LOSE CERTIFICATION IN THE PROGRAM.

18 (B) THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE SHALL INVESTIGATE ANY
19 ALLEGATION OF A VIOLATION UNDER THIS SECTION.

20 (C) ON A FINDING THAT A VIOLATION HAS OCCURRED, THE ~~ATTORNEY~~
21 ~~GENERAL~~ SECRETARY OF STATE SHALL IMPOSE A CIVIL FINE AGAINST THE
22 APPLICANT NOT EXCEEDING \$500.

23 4-522.

24 (A) IF A PROGRAM PARTICIPANT OBTAINS A LEGAL NAME CHANGE, THE
25 PROGRAM PARTICIPANT SHALL NOTIFY THE ~~ATTORNEY GENERAL~~ SECRETARY OF
26 STATE WITHIN 30 DAYS AND PROVIDE THE ~~ATTORNEY GENERAL~~ SECRETARY OF
27 STATE WITH A CERTIFIED COPY OF ANY JUDGMENT OR ORDER EVIDENCING THE
28 CHANGE OR ANY OTHER DOCUMENTATION THE ~~ATTORNEY GENERAL~~ SECRETARY OF
29 STATE DEEMS TO BE SUFFICIENT EVIDENCE OF THE CHANGE.

30 (B) IF A PROGRAM PARTICIPANT MAKES A CHANGE IN ADDRESS OR
31 TELEPHONE NUMBER FROM AN ADDRESS OR TELEPHONE NUMBER LISTED ON THE
32 PROGRAM PARTICIPANT'S APPLICATION, THE PROGRAM PARTICIPANT SHALL NOTIFY
33 THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE AT LEAST 7 DAYS BEFORE THE
34 CHANGE OCCURS.

35 4-523.

36 (A) THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE SHALL CANCEL THE
37 CERTIFICATION OF A PROGRAM PARTICIPANT IF:

1 (1) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE ~~ATTORNEY~~
2 ~~GENERAL SECRETARY OF STATE~~ OF ANY LEGAL NAME CHANGE OR CHANGE IN
3 ADDRESS OR TELEPHONE NUMBER IN THE MANNER REQUIRED BY § 4-522 OF THIS
4 PART;

5 (2) THE PROGRAM PARTICIPANT FILES A REQUEST FOR WITHDRAWAL
6 OF THE CERTIFICATION UNDER § 4-520(C)(2) OF THIS PART;

7 (3) THE PROGRAM PARTICIPANT SUBMITS FALSE INFORMATION IN
8 APPLYING FOR CERTIFICATION TO THE PROGRAM IN VIOLATION OF § 4-521 OF THIS
9 PART; OR

10 (4) THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE FORWARDS MAIL TO
11 THE PROGRAM PARTICIPANT AND THE MAIL IS RETURNED AS UNDELIVERABLE.

12 (B) THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE SHALL SEND NOTICE OF
13 ANY CANCELLATION OF CERTIFICATION TO THE PROGRAM PARTICIPANT AND SHALL
14 SET FORTH THE REASON FOR CANCELLATION.

15 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY
16 FILING AN APPEAL WITH THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE WITHIN 30
17 DAYS AFTER THE DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH
18 PROCEDURES DEVELOPED BY THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE.

19 (D) AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS
20 RESPONSIBLE FOR NOTIFYING ANY PERSON WHO USES THE SUBSTITUTE ADDRESS
21 DESIGNATED BY THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE THAT THE
22 SUBSTITUTE ADDRESS IS NO LONGER VALID.

23 4-524.

24 (A) A PROGRAM PARTICIPANT MAY MAKE A REQUEST TO ANY STATE OR LOCAL
25 AGENCY TO USE THE SUBSTITUTE ADDRESS DESIGNATED BY THE ~~ATTORNEY~~
26 ~~GENERAL SECRETARY OF STATE~~ AS THE PROGRAM PARTICIPANT'S ADDRESS.

27 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN A PROGRAM
28 PARTICIPANT HAS MADE A REQUEST TO A STATE OR LOCAL AGENCY UNDER
29 SUBSECTION (A) OF THIS SECTION, THE STATE OR LOCAL AGENCY SHALL USE THE
30 SUBSTITUTE ADDRESS DESIGNATED BY THE ~~ATTORNEY GENERAL~~ SECRETARY OF
31 STATE AS A PROGRAM PARTICIPANT'S ADDRESS.

32 (C) A STATE OR LOCAL AGENCY THAT HAS A BONA FIDE STATUTORY OR
33 ADMINISTRATIVE REQUIREMENT FOR USING A PROGRAM PARTICIPANT'S ACTUAL
34 ADDRESS MAY APPLY TO THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE FOR A
35 WAIVER FROM THE REQUIREMENTS OF THE PROGRAM. IF THE ~~ATTORNEY GENERAL~~
36 SECRETARY OF STATE APPROVES THE WAIVER, THE STATE OR LOCAL AGENCY SHALL
37 USE THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS ONLY FOR THE REQUIRED
38 STATUTORY OR ADMINISTRATIVE PURPOSES.

1 4-525.

2 (A) (1) EACH LOCAL BOARD OF ELECTIONS SHALL USE A PROGRAM
3 PARTICIPANT'S ACTUAL ADDRESS FOR ALL ELECTION-RELATED PURPOSES.

4 (2) A PROGRAM PARTICIPANT MAY NOT USE THE SUBSTITUTE ADDRESS
5 DESIGNATED BY THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE AS THE PROGRAM
6 PARTICIPANT'S ADDRESS FOR VOTER REGISTRATION PURPOSES.

7 (B) A LOCAL BOARD OF ELECTIONS MAY NOT MAKE A PROGRAM
8 PARTICIPANT'S ADDRESS CONTAINED IN VOTER REGISTRATION RECORDS
9 AVAILABLE FOR PUBLIC INSPECTION OR COPYING, EXCEPT:

10 (1) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
11 ENFORCEMENT PURPOSES; AND

12 (2) AS DIRECTED BY A COURT ORDER TO DISCLOSE THE ADDRESS.

13 4-526.

14 (A) EXCEPT AS OTHERWISE PROVIDED BY THIS PART, A PROGRAM
15 PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER MAINTAINED BY THE
16 ~~ATTORNEY GENERAL~~ SECRETARY OF STATE OR A STATE OR LOCAL AGENCY IS NOT A
17 PUBLIC RECORD WITHIN THE MEANING OF § 10-611 OF THE STATE GOVERNMENT
18 ARTICLE.

19 (B) THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE MAY NOT DISCLOSE A
20 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER OR
21 SUBSTITUTE ADDRESS, EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION
22 AND:

23 (1) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
24 ENFORCEMENT PURPOSES;

25 (2) AS DIRECTED BY A COURT ORDER; OR

26 (3) ON REQUEST BY A STATE OR LOCAL AGENCY TO VERIFY A PROGRAM
27 PARTICIPANT'S PARTICIPATION IN THE PROGRAM OR SUBSTITUTE ADDRESS FOR USE
28 UNDER § 4-524 OF THIS PART.

29 (C) THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE SHALL NOTIFY THE
30 APPROPRIATE COURT OF A PROGRAM PARTICIPANT'S CERTIFICATION IN THE
31 PROGRAM AND OF THE SUBSTITUTE ADDRESS DESIGNATED BY THE ~~ATTORNEY~~
32 ~~GENERAL~~ SECRETARY OF STATE IF, AT THE TIME OF APPLICATION, THE PROGRAM
33 PARTICIPANT:

34 (1) IS SUBJECT TO A COURT ORDER RELATED TO DIVORCE
35 PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION; OR

1 (2) IS INVOLVED IN A COURT ACTION RELATED TO DIVORCE
2 PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION.

3 4-527.

4 (A) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OBTAIN A
5 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE
6 ~~ATTORNEY GENERAL~~ SECRETARY OF STATE OR ANY AGENCY WITHOUT
7 AUTHORIZATION TO OBTAIN THE INFORMATION.

8 (B) (1) THIS SUBSECTION APPLIES ONLY WHEN AN EMPLOYEE OF THE
9 ~~ATTORNEY GENERAL~~ SECRETARY OF STATE:

10 (I) OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR
11 TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES;
12 AND

13 (II) AT THE TIME OF DISCLOSURE, HAS SPECIFIC KNOWLEDGE
14 THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER BELONGS TO A PROGRAM
15 PARTICIPANT.

16 (2) AN EMPLOYEE OF THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE
17 OR ANY AGENCY MAY NOT KNOWINGLY AND INTENTIONALLY DISCLOSE A PROGRAM
18 PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER TO ANOTHER PERSON
19 UNLESS THE DISCLOSURE IS AUTHORIZED BY LAW.

20 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
21 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500.

22 4-528.

23 THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE SHALL DESIGNATE STATE AND
24 LOCAL AGENCIES AND NONPROFIT ORGANIZATIONS THAT PROVIDE COUNSELING
25 AND SHELTER SERVICES TO VICTIMS OF DOMESTIC VIOLENCE TO ASSIST
26 INDIVIDUALS WHO APPLY TO BE PROGRAM PARTICIPANTS. ANY ASSISTANCE AND
27 COUNSELING RENDERED BY THE OFFICE OF THE ~~ATTORNEY GENERAL~~ SECRETARY
28 OF STATE OR ITS DESIGNEES TO ANY APPLICANT MAY NOT BE CONSTRUED AS LEGAL
29 ADVICE.

30 4-529.

31 THE ~~ATTORNEY GENERAL~~ SECRETARY OF STATE SHALL ADOPT REGULATIONS
32 TO CARRY OUT THE PROVISIONS OF THIS PART.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2004.

